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June 1, 2005

Hon. Raymond J. Dearie  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Memblatt v. Rios, et al.  
Case No.: 05 CV 1021 (RJD) (LB)

Honorable Sir:

Pursuant to your Order dated May 24, 2005, the aforementioned matter was referred to the Hon. Kathleen Anne Roberts for Mediation.

Prior to the referral, John Quinn, Esq. and I, on behalf of our respective clients, had requested a pre-motion conference in connection with our bringing a motion to dismiss the complaint pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure. Shortly thereafter, the Mediation Order was issued.

While we are prepared to go forward with the mediation, it is our intention to file our motion to dismiss in the event the mediation is unsuccessful. It is our understanding that we will not be precluded from making such a motion in the event that the mediation does not resolve the litigation, as no prejudice will result in so doing. However, we would be most comfortable with Your Honor's imprimatur as confirmation. I have spoken with Mr. Quinn and Assistant Attorney General Constantine Speres, counsel for all other co-defendants, who are of like mind.

Respectfully yours,

MADALEINE S. EGELFELD  
MSE:fz  
cc: Judith Memblatt, Esq.,  
Constantine Speres, Esq.  
John Quinn, Esq.

SO ORDERED:

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HON. RAYMOND J. DEARIE